

**MINUTES OF CITY COUNCIL REGULAR MEETING
CITY OF SAN MARCOS
MARCH 6, 2012**

STATE OF TEXAS §
 §
COUNTY OF HAYS §

1. Present:

Mayor Daniel Guerrero

Council:

Shane Scott *Absent
Jude Prather
John Thomaides
Kim Porterfield
Ryan Thomason
Wayne Becak

City Staff:

James Nuse, City Manager
Collette Jamison, Assistant City Manager
Michael Cosentino, City Attorney
Jamie Lee Pettijohn, City Clerk
Tammy Cook, Deputy City Clerk

2. Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the San Marcos City Council was called to order by Mayor Daniel Guerrero at 5:07 p.m. on Tuesday, March 6, 2012 in the Council Chambers of the City of San Marcos City Hall, 630 East Hopkins, San Marcos, Texas 78666.

3. Receive a Staff presentation and hold discussion regarding the strategic initiative of Protecting the San Marcos River, as well as, parks issues and recommendations from the Parks and Recreation Advisory Board and River Task Force including, but not limited to, the public consumption and display of alcohol in City Parks, and provide direction to Staff.

Jim Nuse, City Manager, introduced the item. Rodney Cobb, Community Services Executive Director, provided a brief presentation along with Fire Marshall, Ken Bell on the recommendations from the River Task Force and the Parks and Recreation Advisory Board on Parks issues. Following discussion, the City Council directed Staff to draft an ordinance to

regulate the public consumption and display of alcoholic beverages, as well as, implementation of other items presented, with the exception of the creation of a River Management position.

4. Invocation

Pastor Thompson from Pentecostal Temple Church of God provided the invocation.

5. Pledges of Allegiance – United States and Texas

Carlie Contreras, a fifth grade honor student at Hernandez Elementary School led the assembly in the pledges of allegiance.

6. 30 Minute Citizen Comment Period

Ollie Giles, address not provided, spoke against the Hillside Ranch Phase 2 project.

Jean Baggett, 726 W. Hopkins, mentioned the petition that was recently discussed by the Council concerning a request for a moratorium on Multi-family in single family neighborhoods. She stated that she believes that the Council still wants to work on this issue.

Debbie Harvey, 1116 Mountain View Dr, thanked the Council for their service and asked to continue to be transparent. She recommended Lance Jones for appointment to the Parks and Recreation Advisory Board and asked for support for Item #21.

Cynthia Gonzales, 113 Elm Hill Ct, spoke in support of the Hillside Ranch Phase 2 project.

Melissa Derrick, 109 Kathryn Cove, stated that she feels that the Council ignored the request for a moratorium and all that came out of it was an idea incentivize redevelopment of blighted multifamily complexes. She also spoke in opposition to the Hillside Ranch Phase 2 project.

Dianne Wassenich, 11 Tanglewood, provided additional signatures to the petition and spoke against the Hillside Ranch Phase 2 project especially regarding the sewer capacity and potential traffic implications.

Lance Jones, 208 Sierra Ridge Dr, spoke in regards to his consideration for appointment to the Parks and Recreation Advisory Board and asked for positive consideration.

Jane Hughson, 1600 N. LBJ, spoke not in favor or in support of the Hillside Ranch Phase 2 project, but thanked the developer that worked so well with the residents.

Mary E. Gonzales, 3301 S. Old Bastrop, spoke in regards of growth in San Marcos and suggested that everyone work together instead of fighting issue by issue.

CONSENT AGENDA

7. Consider approval of the February 21, 2012, Regular Meeting Minutes.

8. Consider approval of Ordinance 2012-12, on the second of two readings, amending provisions of Chapter 86, Utilities, Article 4 – Electricity, pertaining to the process for promulgating, revising, amending and supplementing the Rules, Regulations and Line Extension Policy; including procedural provisions; and providing an effective date.

9. Consider approval of Resolution 2012-20R approving an agreement between the City and Freese and Nichols, Inc., in an amount not to exceed \$257,853.00 for the provision of professional engineering services in connection with the Wastewater System Model Development and Calibration to Existing Wastewater System Conditions Project; authorizing the City Manager to execute this agreement on behalf of the City and declaring an effective date.

10. Consider approval of Resolution 2012-21R approving the terms and conditions of an Interlocal Agreement with Ector County, Texas to allow for the City's participation in a Cooperative Purchasing Arrangement with Ector County; authorizing the City Manager to execute this agreement on behalf of the City; and declaring an effective date.

MOTION: Upon a motion made by Council Member Becak and a second by Council Member Thomason, the City Council voted seven (6) for and none (0) opposed, to approve the consent agenda as presented with the exception of Item #9 which was pulled and considered separately. The motion carried unanimously.

(9) MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Prather, the City Council voted six (6) for and none (0) opposed, to approve Resolution 2012-20R, as previously captioned. The motion carried unanimously.

PUBLIC HEARINGS

11. Receive a Staff presentation and hold a public hearing to receive comments for or against Ordinance 2012-13 related to the Hillside Ranch Phase Two Development, approving an amendment to the Future Land Use Map of the City from "LDR" Low Density Residential to "MDR" Medium Density Residential for 10.925 acres of land, more or less, out of the Thomas J. Chambers survey and located at 1410 North LBJ; amending the Official Zoning Map of the City by rezoning said tract of land from "SF-6" Single-Family Residential District to "PDD" Planned Development District with base zoning of "MF-12" Multiple-Family Residential District; approving Planned Development District standards for the District; including procedural provisions; and providing for penalties; and consider approval of Ordinance 2012-13.

John Foreman, Chief Planner, provided a brief presentation on the project. He was followed by Ed Theriot, ETR Development, who also provided a brief presentation on the project.

Following the presentations Mayor Guerrero opened the Public Hearing at approximately 7:26 p.m.

Jim Garber, 104 Canyon Fork, spoke against the Hillside Ranch project.

Jay Hiebert, 209 W Sierra Circle, spoke against the Hillside Ranch project and how San Marcos has met 8 out of 10 points to be designated as a World Heritage Site.

Cori Schwartz, 101 W. Mimosa Circle, spoke against the Hillside Ranch project and the potential damages to the environment.

Katie Schindler, 1805 Aquarena Springs, spoke in favor of the Hillside Ranch project.

Jaimy Breihan, 134 E. Hillcrest, circulated pictures taken after the last measurable rain event and requested that the wastewater system be improved prior to any additional development in this area. He also spoke against the Hillside Ranch project.

David Wendel, 118 E. Holland, spoke against the Hillside Ranch project specifically due to the silt and runoff that will be deposited into the San Marcos River and the negative impacts it will have on traffic in the area.

Jill Newman, 1805 Aquarena Springs, spoke in support of the Hillside Ranch project.

Tara Foley, 1350 N. LBJ, spoke in favor of the Hillside Ranch project.

Tena O'Hara, 310 Cordoba, spoke in support of the Hillside Ranch project.

Sheran Seif, 124 Elm Hill Court, spoke in favor of the Hillside Ranch project and stated that this was the best option as opposed to the alternative of single family homes that will take away green space.

Sherwood Bishop, 124 Elm Hill Court, spoke in favor of the Hillside Ranch project.

John Crowley, 11 Mandalay, spoke against the Hillside Ranch project and the increased traffic that it would cause.

Keith Cunningham, 1006 Bluebonnet, spoke against the Hillside Ranch project.

Jennifer Jensen, 203 Oakridge, spoke against the Hillside Ranch project and requested that the Council vote no on the project due to increased traffic and crime concerns.

Steven Ramirez, 314 Shady Lane, spoke against the Hillside Ranch project.

Jarrold Schenk, Chicago, requested that the Council approve his request and stated that he will do whatever it takes to work with the community. He asked that Council postpone action so that he can address additional concerns.

Harold Stern, 201 Oakridge Dr, spoke against the Hillside Ranch project.

Don Eyssen, 200 Orchard, spoke against the Hillside Ranch project.

Nancy Moore, 15 Tanglewood, spoke against the Hillside Ranch project and stated that she would like to see this turned into green space and the designation as a World Heritage Site.

Shane Devine, 115 Canyon Rd, spoke against the Hillside Ranch project and stated that we need to address the infrastructure needs first before approving any further development.

Patrick Montgomery, 748 Center St, spoke against the Hillside Ranch project and requested that City Council deny it.

David Sergi, 904 Burleson, spoke against the Hillside Ranch project, and wants the Council to wait until the master plan is completed.

Jeff Lowe, 1255 N. LBJ, spoke against the Hillside Ranch project.

Dan Anderson, 1410 N. LBJ, spoke in favor of the Hillside Ranch project and asked for positive consideration.

Brian Boghill, 1629 Post Rd, spoke against the Hillside Ranch project and questioned the current infrastructure.

Peggy Bruner, 107 Mandalay, spoke against the Hillside Ranch project.

There being no comments, the Public Hearing was closed at 8:25p.m.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Thomaides the City Council voted (3) for and (3) opposed, Council Members Thomason, Becak, and Thomaides, to approve Ordinance 2012-13, as previously captioned. The motion died due to a tie vote.

NON-CONSENT AGENDA

12. Consider approval of Ordinance 2012-14, on first and final reading, authorizing the issuance of City of San Marcos, Texas General Obligation Refunding Bonds; approving an official statement, a paying agent/registrar agreement, a bond purchase agreement and an escrow agreement; establishing the procedures for selling and delivering one or more series of the bonds; and authorizing other matters relating to the bonds.

MOTION: Upon a motion made by Council Member Porterfield and a second by Council Member Thomason, the City Council voted six (6) for and none (0) opposed, to approve Ordinance 2012-14, as previously captioned. The motion carried unanimously.

13. Consider approval of Resolution 2012-18R approving a Federal Policy Program for communications with the Texas Congressional Delegation on issues of importance to the

City of San Marcos; authorizing the City Manager to execute the necessary documents and declaring an effective date.

MOTION: Upon a motion made by Council Member Thomaides and a second by Council Member Prather, **MOTION TO AMEND:** Upon a motion made by Council Member Thomaides and a second by Council Member Thomason, the City Council voted two (2) for and four (4) opposed, Council Members Prather, Porterfield, Becak and Mayor Guerrero, to remove Section 2 – Additional Firefighters /Tactical Command Center. The motion failed. **MOTION TO AMEND:** Upon a motion made by Council Member Porterfield and a second by Council Member Becak, the City Council voted six (6) for and none (0) opposed, to amend Section 5 to state “continued funding to assist low to moderate households through CDBG and P-16 education initiatives.” The motion passed unanimously. **MAIN MOTION:** the City Council voted Six (6) for and none (0) opposed, to approve Resolution 2012-18R, as previously captioned. The motion carried unanimously.

14. Receive the City of San Marcos' Comprehensive Annual Financial Report (CAFR) for the Fiscal Year ended September 30, 2011 from the City's Audit firm Patillo, Brown and Hill, LLP.

Steve Parker, Director of Finance, provided a brief presentation followed by Mr. Pruitt from Patillo, Brown and Hill, LLP. Mr. Pruitt stated that the City's recent audit had no findings.

15. Receive a Staff presentation and hold discussion regarding the Horizons Master Plan update, and results of the Comprehensive Plan Request for Proposals, as well as, opportunities for public involvement and the scope of the project, and provide direction to Staff.

John Foreman, Chief Planner, provided a brief presentation and stated that Staff will manage the process with consultants as needed. Council direction was to add the School District to the steering committee.

16. Receive a presentation and update from Texas Disposal Systems on the City of San Marcos' SMART Rewards Program, and provide direction to Staff.

Rick Fraumann with TDS provided Council a presentation on their new SMART Rewards Program.

17. Discussion regarding Electric Rules and Regulations and/or Line Extension Policy amendments, and provide direction to Staff.

Ernest Cavazos, provided an overview presentation regarding the rule and regulation changes. Council consensus was to bring forward the changes as outlined.

18. Discuss and consider appointments to the Convention and Visitor Bureau Advisory Board, Parks and Recreation Advisory Board, Neighborhood Commission, and Zoning Board of Adjustments, and provide direction to Staff.

Convention and Visitor Bureau Advisory Board: Danny Arredondo, Tourist Attraction Representative

Parks and Recreation Advisory Board: Ruben Becerra term ending 2013; Lance Jones term ending 2012.

Neighborhood Commission: Staff will continue to solicit volunteer applications for Sector 6

Zoning Board of Adjustments: Katy McCarty

19. Discussion regarding Boards and Commissions term expiration dates in the City Code vs. current practice, and provide direction to Staff.

MOTION: Upon a motion made by Council Member Thomason and a second by Council Member Becak, the City Council voted six (6) for and none (0) opposed, to postpone Items 19 and 20 until the March 20, 2012 meeting. The motion carried unanimously.

20. Receive a Staff presentation and hold discussion regarding the creation of a Citizens Utility Advisory Commission, and provide direction to Staff.

MOTION: Upon a motion made by Council Member Thomason and a second by Council Member Becak, the City Council voted six (6) for and none (0) opposed, to postpone Items 19 and 20 until the March 20, 2012 meeting. The motion carried unanimously.

21. Discussion regarding the review of a draft ordinance that would amend the City's Land Development Code, Section 1.5.1.4.e.1, in regards to the shrinking of boundary lines to defeat a protest petition, and provide direction to Staff.

City Council consensus was to send forward to the Planning and Zoning Commission for review.

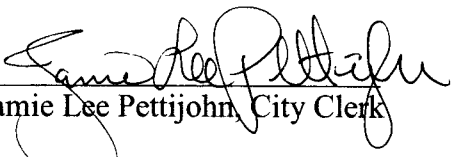
22. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

23. Adjournment.

MOTION: Upon a motion made by Council Member Prather and a second by Council Member Becak, the City Council voted six (6) for and none (0) opposed, to adjourn the regular meeting of the San Marcos City Council at 10:44 p.m. on Tuesday, March 6, 2012. The motion carried unanimously.


Daniel Guerrero, Mayor

Attest:



Jamie Lee Pettijohn, City Clerk

